



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

12 CRIMINAL APPEAL NO. 643 OF 2024

- 1) Kausabai Bhagwanrao Doiphode
- 2) Sadhna Keshav Doiphode
- 3) Sharad Bhagwanrao Doiphode ...Appellants

versus

- 1) The State of Maharashtra
- 2) the Superintendent of Police, Parbhani
- 3) Shashikala Ramesh Kamble ...Respondents

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Advocate for Appellant : Mr. Sudarshan J. Salunke

APP for Respondent Nos. 1 and 2: Mr. S.B. Narwade

Advocate for Respondent No.3 : Mr. Shaikh Wajeed Ahmed

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CORAM : SHIVKUMAR DIGE, J.

DATED : 19th AUGUST, 2024.

PER COURT :-

1. This appeal is preferred against the order dated 10.07.2024 passed by the Additional Sessions Judge-3, Parbhani in Criminal Bail Application No.499 of 2024 filed in pursuance of crime No. 341 of 2024 registered with Sailu police station, district Parbhani for the offences punishable under sections 306, 504, 506 r.w.34 of I..P.C. and Sections 3(1)(r)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. It is the prosecution's case that the appellant Nos. 1 and 2 had

murdered the son of the informant and they and others are accused in the said crime. It is alleged that on 28.6.2024, around 10.00 a.m. when the informant and her husband were going for bringing household articles, at that time, the appellants accosted them and threatened the informant and her husband stating that if the complaint of murder of his son is not taken back, they will kill their other son. It is alleged that the appellants abused the informant and her husband on their caste. It is alleged that due to the threat of the appellants, the husband of the informant has committed suicide on the same day around 11.30 p.m.

3. It is the contention of the learned counsel for the appellants that the appellants have been falsely implicated in this case. On the same day, the Police Officer of Sailu police station has lodged complaint against one social worker Kamlabai Lokhande on the ground that they obstructed the police Officer from doing their duty, as the son of the informant had gone to the police station to give report about the suicide of his father and at that time there was altercation between the son of the informant, the informant and other lady Kamlabai Lokhande and the lady police officer viz. P.S.I. Bhagyashree Puri. Learned counsel further submitted that there is no relevance of the appellants to the suicide of the husband of the informant. Only to involve the appellants in the said case, false case

has been lodged against the appellants. Considering the allegations against the appellants, their custodial interrogation is not required. The allegations on the caste are in chorus. No specific allegations are made against the appellants. Hence, requested to allow the appeal.

4. It is the contention of the learned APP alongwith learned counsel for respondent No.3 that the appellants have murdered the son of the informant. They had anger in their minds against the informant and her family members as the offence under Section 302 was registered against them. They are accused in the offence under Section 302 of I.P.C. and on that count the appellants threatened the informant and her husband. Due to threat of the appellants, the husband of the informant has committed suicide. They abused the informant and her husband on their caste. The incident is witnessed by the witnesses. Considering the allegations against the appellants, their custodial interrogation is required. If the appellants are released on anticipatory bail, they may threaten the prosecution witnesses as well as the informant and requested to dismiss the appeal.

5. I have heard all the learned counsel. Perused the F.I.R., the police papers produced on record and the impugned order passed by the learned Sessions Judge. The allegations against the appellants

are that on the day of incident, they threatened the informant and her husband around 10.00 a.m. and the husband of the informant has committed suicide at 11.30 p.m. It appears from the record that after the incident of 10.00 a.m. no complaint was lodged by the informant or her husband in that regard. Only after suicide of the husband of informant, the complaint is lodged against the appellants. Moreover, the allegations in the F.I.R. about the abuse on caste are in chorus. No specific allegations are made against any of the appellants. Considering these facts, the custodial interrogation of the appellants is not required and I pass the following order :-

ORDER

- (i) The appeal is allowed.
- (ii) The order dated 10.07.2024 passed by the Additional Sessions Judge-3, Parbhani in Criminal Bail Application No.499 of 2024, is quashed and set aside.
- (iii) In the event of arrest of the appellants in connection with crime No. 341 of 2024 registered with Sailu police station, district Parbhani for the offences punishable under sections 306, 504, 506 r.w.34 of I.P.C. and Sections 3(1)(r)(s) and 3(2)(va) of the Scheduled Castes

and Scheduled Tribes (Prevention of Atrocities) Act, the appellants be released on executing personal bond in the sum of Rs.20,000/- each with one surety of the like amount by each of them, on the following conditions:-

- (a) the appellants shall attend the concerned police station as and when required by the Investigating Officer.
- (b) the appellants shall not influence the prosecution witnesses or the informant, in any manner.

(SHIVKUMAR DIGE, J.)

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